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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,786	05/04/2001	James M. Cisar	72255/11265	8858
23380	7590	08/12/2004	EXAMINER	
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475			GANTT, ALAN T	
		ART UNIT		PAPER NUMBER
		2684		
DATE MAILED: 08/12/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/849,786	CISAR, JAMES M.
	<b>Examiner</b>	<b>Art Unit</b>
	Alan T. Gantt	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 5828/04.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-14 and 16-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4-14 and 16-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 5/28/04 have been fully considered. A new reference has been discovered that meets the applicant's claims as amended. Thus, the indication of allowability is removed from the material previously indicated as allowable. This action is a second Non-Final Action, therefore, giving the applicant a chance to respond to the new prior art.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9, 10, 13, 14, 16, 17, 21, and 22 rejected under 35 U.S.C. 102(e) as being anticipated by Bodnar et al.

Regarding claims 1 and 13, Bodnar discloses an enhanced companion digital organizer that is designed to interface to a cellular telephone implemented as an add-on component that can be attached and detached from the phone by the user. Thus, Bodnar meets the following limitations:

a first section for processing data in accordance with at least a first communication standard; (paragraphs 0030 and 0100 and Figures 1A3A and 3B –the organizer itself, ref. 20, 20A : connects to types of telephones either through connectors

or docking unit and mates to the protocol of the matching phone, software adapts to telephone technologies- paragraph 0049, can do email and Internet)

a second section for transmitting and receiving data via an antenna in accordance with the first communication standard, said second section detachable from the first section; (paragraphs 0030, 0100, and Figures 3A and 3B the cellular telephone itself including its associated communication standard) and

wherein said second section is replaceable with a third section for transmitting and receiving data via an antenna in accordance with a second communication standard. (use of a different telephone utilizing a different standard (paragraph 0100 - AMPS, CDMA, TDMA, etc.)

Regarding claims 2 [14], Bodnar meets the limitation: A communications module according to claim 1 [13], wherein said first communication standard uses a first frequency band. (paragraph 0100 – different telephone technologies use different frequency bands; thus, the initial one will be a 900 MHz , the replacement may be a 1900 MHz model)

Regarding claim 4 [16], Bodnar meets the limitation – a communication module according to claim 1 [13] where the second communication standard uses a second frequency band. (paragraph 0100 – different telephone technologies use different frequency bands; thus, the initial one will be a 900 MHz , the replacement may be a 1900 MHz model)

Regarding claim 5 [17], Bodnar meets the limitation: A communications module according to claim 1 [13], wherein said first section and said second section are electrically connected via respective mating connecting members. (Figures 1A, 1B [communication port] , 3A and 3B and paragraphs 0030 and 0100)

Regarding claims 9, 10, 21, and 22, Bodnar meets limitation since the second module is a wireless telephone with RF, IF, and baseband sections inherent in the designs.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 11, 12, 18-20, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar et al., in view of background discussions within Applicant's Specification.

Regarding claims 6 and 18, Bodnar discloses an enhanced companion digital organizer that is designed to interface to a cellular telephone implemented as an add-on component that can be attached and detached from the phone by the user as discussed above for claim 1. Bodnar

doesn't specifically state the use of a MAC processing system and a physical layer processing system.

However, the examiner takes Official notice that it is well known that a MAC processor is an embedded multi-function processor engine related to a variety of tasks associated with wireless communications and that modems may be used with wireless devices it would have been obvious to modify Bodnar to include a MAC processor to utilize similar function with different technology telephones.

Regarding claims 7 [19], Bodnar meets the limitation – A communication module according to claim 6 [18], wherein said first section includes at least one memory device. (paragraph 0012)

Regarding claims 8 and 20, Bodnar meets the limitation A communication module according to claim 6, wherein said first section includes a second connecting member for electrically connecting said first section with a host processor. (paragraph 0028 – pc interface)

Regarding claims 11 and 23, zero IF mobile devices are well known in the art and it would have been obvious for Bodnar to include such devices as attachments to the digital companion as an accommodation to a broad line of mobile devices to mate with.

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Regarding claims 12 and 24, it is well known to include LNA or other amplifiers in LAN adapter and it would have been obvious for the LAN adapter to include such amplifiers as they reduce system noise.

***Conclusion***

Any inquiry concerning this communication from the examiner should be addressed to Alan Gant at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

*Alan T. Gant*

Alan T. Gant

*Nick Corsaro*

NICK CORSARO  
PATENT EXAMINER

August 5, 2004